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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,702	07/02/2003	William Kress Bodin	AUS920030557US1	5882
34533	7590	09/06/2007		
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER PANTOLIANO JR, RICHARD	
			ART UNIT	PAPER NUMBER
			2194	
			MAIL DATE	DELIVERY MODE
			09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,702

Applicant(s)

BODIN ET AL.

Examiner

Richard Pantoliano Jr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-8, 10, 12-15, 17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 10, 12-15, 17, and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is filed in response to amendments filed on **15 August 2007** in regard to Application# **10/612,702**. **Claims 1, 3, 5-8, 10, 12-15, 17, and 19-21** are currently pending and have been considered below.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **15 August 2007** has been entered.

Claim Objections

3. **Claim 1** is objected to because of the following informalities: the limitation beginning with "selecting an action ID..." ends with a period, but another limitation follows in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 3, 5-8, 10, 12-15, 17, and 19-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Trossen et al (PG Pub: 2003/0204599), hereinafter Trossen.

6. As to **Claim 1**, Trossen discloses the invention substantially as claimed including a method for administering devices, the method implemented with two data processing domains, a first domain and a second domain, each domain comprising a networked data processing environment, the domains coupled for data communication, the method comprising:

a) receiving, in the second domain from the first domain, a domain state object, the domain state object comprising information representing a state of the first domain including information identifying devices within the first domain and a current value of an attribute of those devices within the first domain and information describing a user's current condition with the first domain (para. [0023]-[0027]);

b) wherein receiving a domain stat object comprises:

i) receiving a signal to download the domain state object from the sensor (para. [0026]-[0027]); and

ii) downloading the domain state object from the sensor (para. [0026]-[0027]);

c) identifying by the second domain an action in dependence upon the domain state object (para. [0024]-[0027]);

d) wherein identifying an action in dependence upon the domain state object comprises:

i) receiving a current device state object from the domain state object (para. [0027]);

ii) selecting an action ID in dependence upon the current device state object (para. [0030]-[0033]); and

e) the second domain's executing the action (para. [0024]-[0027]).

7. As to **Claim 3**, Trossen discloses receiving the domain state object comprises: receiving an address of the domain state object from a mobile sensor; and downloading the domain state object from the address (para. [0026]-[0027]).

8. As to **Claim 5**, Trossen discloses creating a second domain metric vector for the second domain in dependence upon the domain state object (para. [0027], [0030], [0032]-[0033]).

9. As to **Claim 6**, Trossen discloses creating a second domain metric action list in dependence upon the domain state object (para. [0027], [0030], [0032]-[0033]).

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10. As to **Claim 7**, Trossen discloses selecting a second domain user metric space in dependence upon the domain state object (para. [0027], [0030], [0032]-[0033]).

11. As to **Claims 8, 10, and 12-14**, being the system implementing the method of **Claims 1, 3, and 5-7**, these claims are rejected for the same reasons as **Claims 1, 3, and 5-7** above.

12. As to **Claims 15, 17, and 19-21**, being the computer program product containing instructions implementing the method of **Claims 1, 3, and 5-7**, these claims are rejected for the same reasons as **Claims 1, 3, and 5-7** above.

Response to Arguments

13. Applicant's arguments filed **15 August 2007** have been fully considered but they are not persuasive in regard to the 35 U.S.C 102(e) rejections of **Claims 1, 3, 5-8, 10, 12-15, 17, and 19-21**.

a. As to **Claim 1**, Applicant argues that Trossen does not teach a domain state object as defined by Applicant because Trossen only teaches passing information concerning a single device. Examiner respectfully disagrees. Since Trossen discloses that the "application context" being passed from the source access router to the destination access router contains Quality-of-Service (QoS) information and bandwidth information, such information being indicative of capabilities of the *router* through which application information is passing, Trossen teaches at least the sending of information

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concerning the mobile device and the router through which it is communicating, thereby meeting the claim limitation.

b. As to **Claims 3, 5-8, 10, 12-15, 17, and 19-21**, Applicant argued the allowability of these claims based on the arguments presented for **Claim 1**. As such, the rejection of **Claims 3, 5-8, 10, 12-15, 17, and 19-21** stand for the same reasoning as provided for **Claim 1**.

Conclusion

14. The prior art made of record on the P.T.O. 892 that has not relied upon is considered highly pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano Jr whose telephone number is (571) 270-1049. The examiner can normally be reached on Monday-Thursday, 8am - 4 pm EST.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP

09/03/2007


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